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Attorney for Debtor: Ricky Leon Carrell

UNITED STATES BANKRUPTCY COURT

CENTRAL DISTRICT OF CALIFORNIA LOS ANGELES DIVISION

In re:

RICKY LEON CARRELL,

Debtor.

)
) Case No.: 2:21-bk-15086-VZ

)
) Chapter 13

)
) NOTICE OF MOTION AND MOTION TO
) REOPEN THE CHAPTER 13
) BANKRUPTCY PURSUANT LBR 5010-1;
) DECLARATION OF MICHAEL OKAYO IN
) SUPPORT THEREOF

)
)
)
) **[No Hearing Required Pursuant to LBR
9013-1(q)]**

TO THE HONORABLE JUDGE VINCENT P. ZURZOLO; NANCY K. CURRY,
CHAPTER 13 TRUSTEE; AND ALL OTHER INTERESTED PARTIES: Ricky Leon Carrell
through his attorney, Michael Okayo, hereby gives Notice of Hearing re: Motion to Reopen and
Reinstate the Chapter 13 Case pursuant to LBR 5010-1 that will be heard on short notice at the U.S.

1 Bankruptcy Court Central District of California located at 255 East Temple Street Los Angeles
2 Courtroom 1368.

3 I declare under the penalty of perjury under the laws of the State of California and United
4 States that the foregoing is true and correct.
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6 Date: 7/27/2021

7 /s/ Michael Okayo

8 Michael Okayo, Attorney for Debtor
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JURISDICTION AND VENUE

1. This Court has Jurisdiction to consider this Motion under 28 U.S.C. Section 157 and 1334. This is a core proceeding under 28 U.S.C. Section 157(b). Venue of this case and this Motion in this district is proper under 28 U.S.C. Section 1408 and 1409.

2. The legal predicate for the relief requested herein are Local Bankruptcy Rule 1017-2 (c).

BACKGROUND

3. Debtor through his attorney filed the case herein under the U.S. Bankruptcy Code Chapter 13 on June 22, 2021.

4. The Case was dismissed on July 12, 2021 for failure to file Schedule H and Attorney Disclosure of Compensation.

5. Debtor through his attorney filed a motion to vacate dismissal but was informed that the case would have to be reopened as well as it had been closed on July 14, 2021.

6. The Debtor has since filed the missing documents and would like to continue with the bankruptcy. Annexed hereto marked “**Exhibit A**” is a copy of Docket Report showing the filed Schedule H (Form 106H) and Disclosure of Compensation of Attorney (Form 2030).

7. Debtor wishes to continue with the bankruptcy case and intends to file a motion to impose stay as his residence is threatened with auction and might be sold if a stay is not granted.

8. Debtor filed the Chapter 13 to reorganize his debts and eventually release a lien on his property and would like to proceed with the same.

9. Reopening this case is not discriminatory to any or all parties in interest.

1 10. For the foregoing reasons, the Debtor respectfully requests the court to reopen the chapter
2 13 case so that he may continue with the bankruptcy petition.

3 Dated: 7/27/2021

4 Respectfully submitted.

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6 *Michael Okayo*

7 Michael Okayo
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Michael Okayo (249466)
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Attorney for Debtor: Ricky Leon Carrell

UNITED STATES BANKRUPTCY COURT

CENTRAL DISTRICT OF CALIFORNIA LOS ANGELES DIVISION

In re:

RICKY LEON CARRELL,

Debtor.

)
) Case No.: 2:21-bk-15086-VZ

)
) Chapter 13

)
) DECLARATION OF MICHAEL OKAYO IN
) SUPPORT OF MOTION TO REOPEN THE
) CHAPTER 13 CASE PURSUANT TO LBR
) 5010-1

)
) **[No Hearing Required Pursuant to LBR**
) **9013-1(q)]**

I, Michael Okayo, do declare as follows:

1. That I have personal knowledge of the facts stated herein, if called to testify, I could and
would do so competently thereto.

2. That I am the Attorney for the Debtor herein.

3. I filed the bankruptcy case under Chapter 13 on or about June 22, 2021 on behalf of the
Debtor herein.

1 4. That the case was dismissed for failure to file schedules, statements, and/or plan on July 12,
2 2021.

3 5. That the case was also closed on July 14, 2021.

4 6. That I filed a motion to vacate dismissal which was granted and I have since corrected the
5 case deficiency and filed the missing Schedule H and Disclosure of Attorney Compensation.
6


7 7. That the Debtor wishes to continue with the bankruptcy and would like to have the case
8 reopened.

9 8. The Debtor would also like to apply for imposition of stay to protect his property which is
10 crucial to the reorganization and is being threatened by a creditor to auctioned the same.
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12 10. For the reasons stated above the Chapter 13 case should be reopened to enable Debtor
13 proceed with the petition.

14 I declare under penalty of perjury, under the Laws of the United States of America and
15 California that the foregoing is true and correct.
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17 Executed this 27th day of July, 2021 in Los Angeles, California.
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23 Michael Okayo,

24 Attorney for Movant/Debtor
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EXHIBIT A



Repeat-cacb, Incomplete, RepeatPACER, Pln13F, CLOSED, DISMISSED

**U.S. Bankruptcy Court
Central District of California (Los Angeles)
Bankruptcy Petition #: 2:21-bk-15086-VZ**

Assigned to: Vincent P. Zurzolo
Chapter 13
Voluntary
Asset
[Claims Register](#)

Date filed: 06/22/2021
Date terminated: 07/14/2021
Debtor dismissed: 07/12/2021
341 meeting: 07/29/2021

Debtor disposition: Dismissed for Failure to
File Information

Debtor

Ricky Leon Carrell
10460 S Vermont Ave
Los Angeles, CA 90044
LOS ANGELES-CA
323-979-3268
SSN / ITIN: xxx-xx-5201

represented by **Michael Okayo**

21515 Hawthorne Blvd Ste
200
Torrance, CA 90503
310-844-7626
Fax : 844-328-4811
Email: mokayo@okayoco.com

Trustee

Nancy K Curry (TR)
1000 Wilshire Blvd., Suite 870
Los Angeles, CA 90017
213-689-3014

U.S. Trustee

United States Trustee (LA)
915 Wilshire Blvd, Suite 1850
Los Angeles, CA 90017
(213) 894-6811

Filing Date	#	Docket Text
06/22/2021	1 (11 pgs; 3 docs)	Chapter 13 Voluntary Petition Individual . Fee Amount \$313 Filed by Ricky Leon Carrell Summary of Assets and Liabilities (Form 106Sum or 206Sum) due 07/6/2021. Schedule A/B: Property (Form 106A/B or 206A/B) due 07/6/2021. Schedule C: The Property You Claim as Exempt (Form 106C) due 07/6/2021. Schedule D: Creditors Who Have Claims Secured by Property (Form 106D or 206D) due 07/6/2021. Schedule E/F: Creditors Who Have Unsecured Claims (Form 106E/F or 206E/F) due 07/6/2021. Schedule G: Executory Contracts and Unexpired Leases (Form 106G or 206G) due 07/6/2021. Schedule H: Your Codebtors (Form 106H or 206H) due 07/6/2021. Schedule I: Your Income (Form 106I) due 07/6/2021. Schedule J: Your Expenses (Form 106J) due 07/6/2021. Declaration About an Individual Debtors Schedules (Form 106Dec) due 07/6/2021. Statement of Financial Affairs (Form 107 or 207) due 07/6/2021. Chapter 13 Plan (LBR F3015-1) due by 07/6/2021. Chapter 13 Statement of Your Current Monthly Income and Calculation of Commitment Period (Form 122C-1) Due: 07/6/2021. Chapter 13 Calculation of Your Disposable Income (Form 122C-2) Due: 07/6/2021. Schedule J-2: Expenses for Separate Household of Debtor 2 (Form 106J-2) due 07/6/2021. Cert. of Credit Counseling due by 07/6/2021. Statement of Related Cases (LBR Form F1015-2) due 07/6/2021. Petition Preparer Notice, Declaration, and Signature - Form 119 due by 07/6/2021. Disclosure of Compensation of Bankruptcy Petition Preparer (Form 2800) due 07/6/2021. Disclosure of Compensation of Attorney for Debtor (Form 2030) due 07/6/2021. Declaration by Debtors as to Whether Income was Received from an Employer within 60-Days of the Petition Date (LBR Form F1002-1) due by 07/6/2021. Verification of Master Mailing List of Creditors (LBR Form F1007-1) due 07/6/2021. Incomplete Filings due by 07/6/2021. (Okayo, Michael) (Entered: 06/22/2021)
06/22/2021		Receipt of Voluntary Petition (Chapter 13)(2:21-bk-15086) [misc,volp13] (313.00) Filing Fee. Receipt number A53076463. Fee amount 313.00. (re: Doc# 1) (U.S. Treasury) (Entered: 06/22/2021)
06/22/2021	2	Statement About Your Social Security Number (Official Form 121) Filed by Debtor Ricky Leon Carrell. (Okayo, Michael) (Entered: 06/22/2021)
06/22/2021	3 (1 pg)	List of Creditors (Master Mailing List of Creditors) Filed by Debtor Ricky Leon Carrell. (Okayo, Michael) (Entered: 06/22/2021)

06/22/2021	4 (1 pg)	Certificate of Credit Counseling Filed by Debtor Ricky Leon Carrell (RE: related document(s) 1 Voluntary Petition (Chapter 13)). (Okayo, Michael) (Entered: 06/22/2021)
06/22/2021		Notice of Debtor's Prior Filings for debtor Ricky Leon Carrell Case Number 07-13678 , Chapter 13 filed in California Central Bankruptcy on 05/07/2007 , Dismissed for failure to pay filing fee on 06/20/2007; Case Number 19-22351 , Chapter 13 filed in California Central Bankruptcy on 10/18/2019 , Dismissed for Other Reason on 09/15/2020.(Admin) (Entered: 06/22/2021)
06/22/2021	5 (3 pgs)	Meeting of Creditors with 341(a) meeting to be held on 7/29/2021 at 09:00 AM at TR 13, VIDEO CONFERENCE. GOTO TRUSTEE WEBSITE FOR INSTRUCTIONS. Confirmation hearing to be held on 9/13/2021 at 09:00 AM at Crtrm 1368, 255 E Temple St., Los Angeles, CA 90012. Proofs of Claims due by 8/31/2021. (Scheduled Automatic Assignment, shared account) (Entered: 06/22/2021)
06/23/2021		Set Case Commencement Deficiency Deadlines (def/deforco) (RE: related document(s) 1 Voluntary Petition (Chapter 13) filed by Debtor Ricky Leon Carrell) Chapter 13 Plan (LBR F3015-1) due by 7/7/2021. Incomplete Filings due by 7/7/2021. (Carranza, Shemainee) CORRECTION: ENTERED DUE TO CLERICAL ERROR Modified on 6/23/2021 (Carranza, Shemainee). (Entered: 06/23/2021)
06/24/2021	6 (4 pgs)	BNC Certificate of Notice (RE: related document(s) 5 Meeting (AutoAssign Chapter 13)) No. of Notices: 3. Notice Date 06/24/2021. (Admin.) (Entered: 06/24/2021)
06/24/2021	7 (2 pgs)	BNC Certificate of Notice (RE: related document(s) 1 Voluntary Petition (Chapter 13) filed by Debtor Ricky Leon Carrell) No. of Notices: 1. Notice Date 06/24/2021. (Admin.) (Entered: 06/24/2021)
06/24/2021	8 (2 pgs)	BNC Certificate of Notice (RE: related document(s) 1 Voluntary Petition (Chapter 13) filed by Debtor Ricky Leon Carrell) No. of Notices: 1. Notice Date 06/24/2021. (Admin.) (Entered: 06/24/2021)
07/06/2021	9 (2 pgs)	Chapter 13 Trustee's Notice of Requirements <i>with proof of service</i> . (Curry (TR), Nancy) (Entered: 07/06/2021)
07/06/2021	10 (4 pgs)	Notice of §341(a) Meeting of Creditors <i>AMENDED, with proof of service</i> Filed by Trustee Nancy K Curry (TR). (Curry (TR), Nancy) (Entered: 07/06/2021)
07/07/2021	11 (4 pgs)	Chapter 13 Statement of Your Current Monthly Income and Calculation of Commitment Period for 3 Years, Disposable Income Is Determined (Official Form 122C-1) Filed by Debtor

		Ricky Leon Carrell (RE: related document(s) 1 Voluntary Petition (Chapter 13)). (Okayo, Michael) (Entered: 07/07/2021)
07/07/2021	12 (5 pgs)	Schedule A/B for Individual: Property (Official Form 106A/B or 206A/B) Filed by Debtor Ricky Leon Carrell (RE: related document(s) 1 Voluntary Petition (Chapter 13)). (Okayo, Michael) (Entered: 07/07/2021)
07/07/2021	13 (2 pgs)	Schedule C: The Property You Claimed as Exempt (Official Form 106C) Filed by Debtor Ricky Leon Carrell (RE: related document(s) 1 Voluntary Petition (Chapter 13)). (Okayo, Michael) (Entered: 07/07/2021)
07/07/2021	14 (2 pgs)	Schedule D Individual: Creditors Who Have Claims Secured by Property (Official Form 106D or 206D) Filed by Debtor Ricky Leon Carrell (RE: related document(s) 1 Voluntary Petition (Chapter 13)). (Okayo, Michael) (Entered: 07/07/2021)
07/07/2021	15 (2 pgs)	Schedule E/F for Individual: Creditors Who Have Unsecured Claims (Official Form 106F or 206F) Filed by Debtor Ricky Leon Carrell (RE: related document(s) 1 Voluntary Petition (Chapter 13)). (Okayo, Michael) (Entered: 07/07/2021)
07/07/2021	16 (1 pg)	Schedule G Individual: Executory Contracts and Unexpired Leases (Official Form 106G or 206G) Filed by Debtor Ricky Leon Carrell (RE: related document(s) 1 Voluntary Petition (Chapter 13)). (Okayo, Michael) (Entered: 07/07/2021)
07/07/2021	17 (2 pgs)	Schedule I Individual: Your Income (Official Form 106I) Filed by Debtor Ricky Leon Carrell (RE: related document(s) 1 Voluntary Petition (Chapter 13)). (Okayo, Michael) (Entered: 07/07/2021)
07/07/2021	18 (3 pgs)	Schedule J: Your Expenses (Official Form 106J) Filed by Debtor Ricky Leon Carrell (RE: related document(s) 1 Voluntary Petition (Chapter 13)). (Okayo, Michael) (Entered: 07/07/2021)
07/07/2021	19 (6 pgs)	Statement of Financial Affairs for Individual Filing for Bankruptcy (Official Form 107 or 207) Filed by Debtor Ricky Leon Carrell (RE: related document(s) 1 Voluntary Petition (Chapter 13)). (Okayo, Michael) (Entered: 07/07/2021)
07/07/2021	20 (1 pg)	Statement of Related Cases (LBR Form 1015-2.1) Filed by Debtor Ricky Leon Carrell (RE: related document(s) 1 Voluntary Petition (Chapter 13)). (Okayo, Michael) (Entered: 07/07/2021)
07/07/2021	21 (2 pgs)	Summary of Assets and Liabilities for Individual (Official Form 106Sum or 206Sum) Filed by Debtor Ricky Leon Carrell (RE: related document(s) 1 Voluntary Petition (Chapter 13)). (Okayo, Michael) (Entered: 07/07/2021)

07/07/2021	<u>22</u> (1 pg)	Declaration About an Individual Debtor's Schedules (Official Form 106Dec) Filed by Debtor Ricky Leon Carrell (RE: related document(s) <u>1</u> Voluntary Petition (Chapter 13)). (Okayo, Michael) (Entered: 07/07/2021)
07/07/2021	<u>23</u> (1 pg)	Verification of Master Mailing List of Creditors (LBR Form F1007-1) Filed by Debtor Ricky Leon Carrell (RE: related document(s) <u>1</u> Voluntary Petition (Chapter 13)). (Okayo, Michael) (Entered: 07/07/2021)
07/07/2021	<u>24</u> (12 pgs)	Declaration by Debtor as to Whether Debtor(s) Received Income From an Employer Within 60 Days of Petition (LBR Form F1002-1) Filed by Debtor Ricky Leon Carrell (RE: related document(s) <u>1</u> Voluntary Petition (Chapter 13)). (Okayo, Michael) (Entered: 07/07/2021)
07/07/2021	<u>25</u> (16 pgs)	Chapter 13 Plan (LBR F3015-1). Filed by Debtor Ricky Leon Carrell. (Okayo, Michael) (Entered: 07/07/2021)
07/12/2021	<u>26</u> (1 pg)	Order and Notice of Dismissal for Failure to File Schedules, Statements, and/or Plan - DEBTOR Dismissed (BNC) (Mohammad, Sandra) (Entered: 07/12/2021)
07/14/2021	<u>27</u> (4 pgs)	Chapter 13 Trustee's Final Report and Account . (Curry (TR), Nancy) (Entered: 07/14/2021)
07/14/2021	28	Bankruptcy Case Closed - DISMISSED. An Order dismissing this case was entered and notice was provided to parties in interest. Since it appears that no further matters are required and that this case remain open, or that the jurisdiction of this Court continue, it is ordered that the Trustee is discharged, bond is exonerated, and the case is closed. (RE: related document(s) <u>5</u> Meeting (AutoAssign Chapter 13)) (Ly, Lynn) (Entered: 07/14/2021)
07/14/2021	<u>29</u> (3 pgs)	BNC Certificate of Notice (RE: related document(s) <u>26</u> ORDER and notice of dismissal for failure to file schedules, statements, and/or plan (CACB AutoDismiss) (BNC)) No. of Notices: 2. Notice Date 07/14/2021. (Admin.) (Entered: 07/14/2021)
07/20/2021	<u>30</u> (19 pgs)	Motion to vacate dismissal Filed by Debtor Ricky Leon Carrell (Okayo, Michael) (Entered: 07/20/2021)
07/26/2021	<u>31</u> (1 pg)	Order Granting Motion to Vacate Order Dismissing Bankruptcy Case (BNC-PDF) (Related Doc # <u>30</u>) Signed on 7/26/2021 (Carranza, Shemainee) (Entered: 07/26/2021)
07/26/2021	<u>32</u> (1 pg)	Notice to creditors (BNC) (Carranza, Shemainee) (Entered: 07/26/2021)

07/27/2021	33 (1 pg)	Schedule H Individual: Your Codebtors (Official Form 106H or 206H) Filed by Debtor Ricky Leon Carrell. (Okayo, Michael) (Entered: 07/27/2021)
07/27/2021	34 (2 pgs)	Disclosure of Compensation of Attorney for Debtor (Official Form 2030) Filed by Debtor Ricky Leon Carrell. (Okayo, Michael) (Entered: 07/27/2021)

NOTE: When using this form to indicate service of a proposed order, **DO NOT** list any person or entity in Category I. Proposed orders do not generate an NEF because only orders that have been entered are placed on the CM/ECF docket.

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:
21515 Hawthorne Blvd, Suite 200, Torrance, CA 90503.

A true and correct copy of the foregoing document described NOTICE OF MOTION AND MOTION TO REOPEN THE CHAPTER 13 PURSUANT TO LBR 5010-1; DECLARATION OF MICHAEL OKAYO IN SUPPORT THEREOF will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner indicated below:

I. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING ("NEF") – Pursuant to controlling General Order(s) and Local Bankruptcy Rule(s) ("LBR"), the foregoing document will be served by the court via NEF and hyperlink to the document. On 07/28/2021 I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following person(s) are on the Electronic Mail Notice List to receive NEF transmission at the email address(es) indicated below:

Nancy K Curry (TR) TrusteeECFMail@gmail.com
United States Trustee (LA) ustregion16.la.ecf@usdoj.gov

☐ Service information continued on attached page

II. SERVED BY U.S. MAIL OR OVERNIGHT MAIL(indicate method for each person or entity served):

On _____ I served the following person(s) and/or entity(ies) at the last known address(es) in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States Mail, first class, postage prepaid, and/or with an overnight mail service addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

III. SERVED BY PERSONAL DELIVERY, FACSIMILE TRANSMISSION OR EMAIL (indicate method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on _____ I served the following person(s) and/or entity(ies) by personal delivery, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on the judge will be completed no later than 24 hours after the document is filed.

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☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

7/28/2020
Date

Michael Okayo
Type Name

/s/ Michael Okayo
Signature